

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PARADISE CRUISE, LIMITED,)	CIV. NO. 04-00364 ACK-BMK
)	
Plaintiff,)	
)	FINDING AND
vs.)	RECOMMENDATION (1) THAT
)	PLAINTIFF'S PETITION FOR
MICHAEL ELSE AND COMPANY, LTD., GREAT LAKES)	DETERMINATION OF GOOD
REINSURANCE (UK) PLC, d.b.a. TRANSMARINE; LLOYD'S OF)	FAITH SETTLEMENT WITH
LONDON; LLOYD's UNDERWRITERS; ACORDIA NORTHWEST, INC.; AON RISK SERVICES, INC. OF OHIO,)	WATKINS SYNDICATE BE GRANTED, (2) THAT PLAINTIFF'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT WITH ACORDIA NORTHWEST BE GRANTED, AND (3) THAT ALL REMAINING CLAIMS BE DISMISSED WITH PREJUDICE
Defendants.)	
)	
)	
)	

FINDING AND RECOMMENDATION (1) THAT PLAINTIFF'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT WITH WATKINS SYNDICATE BE GRANTED, (2) THAT PLAINTIFF'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT WITH ACORDIA NORTHWEST BE GRANTED, AND (3) THAT ALL REMAINING CLAIMS BE DISMISSED WITH PREJUDICE

The Court heard Plaintiff's Petition for Determination of Good Faith Settlement with Defendant Watkins Syndicate on January 26, 2006. This petition was initially opposed by Defendants Aon Risk Services, Inc. of Ohio and

Defendant Acordia Northwest Inc. These defendants withdrew their opposition to the petition on April 24 and April 25, 2006, respectively.

The Court, having considered the petition and the attached papers, the arguments of counsel, and the totality of the circumstances, and otherwise being fully apprised of the premises, FINDS as follows:

1. The Settlement between Plaintiff Paradise Cruise Limited and Defendant Watkins Syndicate was entered in good faith within the meaning of § 663-15.5, Hawaii Revised Statutes (Supp. 2002), amended by 2003 Haw.Sess. Laws, Act 146, § 1 ("HRS § 663-15.5"), and there is good cause for such a determination.

2. Paradise Cruise Limited has given proper written notice to all known joint tortfeasors and co-obligors in this action, and has otherwise satisfied the notice requirements of HRS § 663-15.5.

3. The Settlement between Paradise Cruise Limited and Watkins Syndicate discharges Watkins Syndicate from all liability for any contribution to any joint tortfeasor and bars any joint tortfeasor or co-obligor from any further claims against Watkins Syndicate.

Accordingly, the Court RECOMMENDS that Paradise Cruise Limited's Petition for Determination of Good Faith Settlement with Watkins

Syndicate be GRANTED, and all cross-claims against Watkins Syndicate be dismissed with prejudice.

In addition, the Court heard Plaintiff's Petition for Determination of Good Faith Settlement with Acordia Northwest, Inc. ("Acordia") on October 4, 2006.

The Court, having considered the petition and the attached papers, the arguments of counsel, and the totality of the circumstances, and otherwise being fully apprised of the premises, FINDS as follows:

1. The Settlement between Plaintiff Paradise Cruise Limited and Acordia was entered in good faith within the meaning of § 663-15.5, and there is good cause for such a determination.

2. Paradise Cruise Limited has given proper written notice to all known joint tortfeasors and co-obligors in this action, and has otherwise satisfied the notice requirements of HRS § 663-15.5.

3. The Settlement between Paradise Cruise Limited and Acordia discharges Acordia from all liability for any contribution to any joint tortfeasor and bars any joint tortfeasor or co-obligor from any further claims against Acordia.

Accordingly, the Court RECOMMENDS that Paradise Cruise Limited's Petition for Determination of Good Faith Settlement with Acordia be

GRANTED, and all cross-claims against Acordia be dismissed with prejudice.

Finally, the Court has further been informed that all remaining claims in this case have been settled. The Court therefore RECOMMENDS that all remaining claims be DISMISSED WITH PREJUDICE and that this action be terminated.

IT IS SO FOUND AND RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: May 9, 2007

Paradise Cruise Ltd. v. Michael Else & Co.; Civ. No. 04-00364 ACK-BMK; FINDING AND RECOMMENDATION (1) THAT PLAINTIFF'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT WITH WATKINS SYNDICATE BE GRANTED, (2) THAT PLAINTIFF'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT WITH ACORDIA NORTHWEST BE GRANTED, AND (3) THAT ALL REMAINING CLAIMS BE DISMISSED WITH PREJUDICE.